

FCC MAIL SECTION

Federal Communications Commission

FCC 98-28

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of the Commission's
Rules Regarding Installment Payment
Financing For Personal Communications
Services (PCS) Licensees

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WT Docket No. 97-82

ORDER**Adopted: February 24, 1998****Released: February 24, 1998**

By the Commission: Commissioner Ness concurring and issuing a statement.

1. On September 25, 1997, the Commission adopted a *Second Report and Order and Further Notice of Proposed Rule Making* ("*Second Report and Order*") which established January 15, 1998 as the deadline for broadband Personal Communications Services (PCS) C block licensees to elect to continue under the existing installment payment plan or to elect one of the three alternative payment options.¹ On January 7, 1998, we changed that election date to February 26, 1998 in order to allow us time to respond to petitions seeking reconsideration of the *Second Report and Order*.² We stated that "[m]oving the election date will serve the public interest by permitting licensees to submit their election after final disposition of arguments raised on reconsideration."³

2. Although we initially believed a February 26 election date would provide us sufficient time to respond to the arguments raised by petitioners, we now find it will take additional time to consider the numerous and wide-ranging issues involved. In their joint petition for reconsideration, Northern Michigan PCS Consortium L.L.C. and Wireless 2000, Inc. request that we extend the election deadline to a date that is 60 days after issuance of the reconsideration order.⁴ We agree with these petitioners that 60 days would provide licensees an adequate review

¹ Amendment of the Commission's Rules Regarding Installment Payment Financing For Personal Communications Services (PCS) Licensees, WT Docket No. 97-82, *Second Report and Order and Further Notice of Proposed Rule Making*, 12 FCC Rcd 16,436 (1997).

² Amendment of the Commission's Rules Regarding Installment Payment Financing For Personal Communications Services (PCS) Licensees, WT Docket No. 97-82, *Order*, FCC 98-2 (released January 7, 1998).

³ *Id.* at para. 2.

⁴ Northern Michigan PCS Consortium L.L.C. and Wireless 2000, Inc. Petition for Reconsideration at 10.

period. Accordingly, we will move the election date for C block licensees to 60 days after publication of our forthcoming *Order on Reconsideration* in the *Federal Register*.

3. In order to provide licensees adequate time between the election date and the resumption of payment deadline, we will move the March 31, 1998 payment deadline for both C and F block licensees to a date that is at least 30 days after the revised election date. To avoid any potential confusion, the specific dates for election and payment resumption will be set forth in a public notice issued under delegated authority by the Wireless Telecommunications Bureau.⁵

4. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i), 303(r), and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and 309(j), the election deadline for C block licensees and the March 31, 1998 payment deadline for C and F block licensees are extended as specified herein and the petition for reconsideration filed by Northern Michigan PCS Consortium L.L.C. and Wireless 2000, Inc. is hereby GRANTED IN PART. This Order shall become effective upon its release.⁶

FEDERAL COMMUNICATIONS COMMISSION



Magalie Roman Salas
Secretary

⁵ See 47 C.F.R. § 0.331.

⁶ See 5 U.S.C. § 553(d)(1) (a rule that relieves a restriction may become effective sooner than 30 days after publication in the *Federal Register*).

Concurring Statement of Commissioner Ness

Re: Installment Payments for PCS Licensees

Given the Commission's continued delay in concluding its "C" Block reconsideration proceeding, I reluctantly agree that an extension of the election deadline is necessary. I concur because I am not in favor of prolonging the reconsideration proceeding.

Continuing to consider changes to our rules delays the marketplace certainty that must exist in order for systems to be financed and constructed. The result is to delay use of this spectrum, by those otherwise prepared to go forward, to provide beneficial services to the American public.

The Commission must come to a conclusion immediately on this matter so that the market can proceed.